

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:05cv353

EDWARD WAHLER and)	
KATHY WAHLER,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
BRANCH BANKING and)	
TRUST COMPANY,)	
)	
Defendants.)	
_____)	

ORDER

THIS MATTER is before the Court on the Plaintiff's motion to stay the execution of the Judgment filed April 7, 2006, which is opposed by the Defendant.

Although the motion is styled as a motion to stay the proceedings, the relief actually sought is to stay execution of the Judgment dismissing the action with prejudice. This may account for the confusion evidenced in

the somewhat cryptic response of the Defendant.¹

Plaintiffs, who now appear *pro se*, advise that they discharged their attorney, Gary Triggs, one day prior to the entry of Judgment dismissing this action. They also claim that they were unaware that the motion for summary judgment had been filed. As a result, they seek to stay execution of the judgment until such time as they might retain other counsel.

Mr. Triggs has not sought leave to withdraw from representation and remains counsel of record in this case. At the time the Judgment was entered dismissing this action, no response to the motion for summary judgment had been filed. The Plaintiffs therefore defaulted in responding to the motion, failed to come forward with any evidence in opposition thereto and the motion was properly granted.

The Plaintiffs also claim that their motion should serve as notice that they intend to file a motion to reconsider. The Plaintiffs are hereby placed on notice that they have counsel of record who has not sought leave to withdraw and who has not been allowed to withdraw. The Court will not entertain *pro se* pleadings while the Plaintiffs are represented by counsel.

¹Counsel for the Defendant noted “There is no longer any proceeding to stay.” **Response to Motion to Stay Proceedings, filed May 18, 2006.** Counsel further noted, “No response to a Motion for Reconsideration is required at this time because” no such motion had yet been filed. *Id.* These are matters which were obvious even to the Court.

IT IS, THEREFORE, ORDERED that the Plaintiffs' *pro se* motion to stay the execution of Judgment is hereby **DENIED**.

IT IS FURTHER ORDERED that the Court will not entertain any further *pro se* pleadings from the Plaintiffs while they remain represented by counsel.

Signed: May 19, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

